5033246/2021/TAPPAL-REV01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Registration & Stamps Department – ACB Trap against Sri B.Venkata Naidu (A.O-1), Sub Registrar, Adoni, Kurnool District – Trapped on 17.06.2010 – Suspended – Final Report received – Disciplinary Action initiated – Punishment of stoppage of one annual grade increment without cumulative effect imposed - Sanctioned Prosecution - Acquitted by the Special Court for trial of ACB cases at Kurnool in C.C.No.82/2013 - Criminal appeal pending in High Court – Request of AO to regularize the suspension period - W.P.No. 5093 of 2021 filed before the Hon'ble High Court – Complying with the orders of Hon'ble Court – Regularization of suspension period under FR 54 (B) (5) & (7) - Orders - issued.

REVENUE (VIGILANCE.II) DEPARTMENT

G.O.Rt.No.582 Dated:22.09.2021

Read the following:-

Ref:- 1.From the DG, ACB, Lr.No.86/RCT-KUR/2010-S6, dt: 22.06.2010.
2.Proceedings of DIG, R&S, Kurnool No.A/1040/2010, dt:19.06.2010.
3.From the DG, ACB, Cr.No.86/RCT-KUR/2010-S6, dt:15.06.2011.
4.G.O.Ms.No.7, Revenue (Vig.VI) Department, dated:04.01.2013.
5.Govt. Memo.No.31131/Vig.VI (1)/2010-4, dated:04.01.2013.
6.From the DG, ACB, Rc.No.86/RCT-KUR/2010, dated:09.02.2015.
7.Govt., Memo.No.31131/Vig.II (2)/2010, dated:09.03.2015.
8.Proceedings of the DIG(R&S), Kurnool, Procgs No.S/1040/2010, dt:18.08.2016.
9.Govt. Memo.No.31131/Vig.VI (1)/2010, dt:28.04.2017.
10.Proceedings of the DIG(R&S), Kurnool, Procgs No.Vig.2/9306/2010, dt:29.06.2017.
11.Representations dated:08.08.2017 & 13.07.2018 filed by the Sri B.Venkata Naidu (A.O-1), former SR (Retd), Adoni Kurnool District
12.Govt., Memo.No.31131/Vig.II (2)/2010, dated:15.01.2019.
13.Representation of Sri B.Venkata Naidu (A.O-1), former Sub Registrar, Adoni, Kurnool District, dt:18.04.2021
14.W.P.No. 5093 of 2021 filed by Sri B.Venkata Naidu former Sub Registrar, Adoni, Kurnool District (Retired).
15.Govt. Memo No. 31131/Vig.II (2)/2010, dated:18.08.2021.

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ORDER :

Whereas, it was brought to the notice of the Government vide reference 1st read above, that Sri B.Venkata Naidu, former SR, Adoni, (AO-1) has been trapped by the Anti Corruption Bureau on 17-06-2010 on the allegations of demand and acceptance of Rs.50,000/- from the complainant to register the land. As the Accused Officer has been arrested and was under judicial custody for more than 48 hours. The Deputy Inspector General, Registration & Stamps, Kurnool has placed the Accused Officer under suspension w.e.f., 19-06-2010 vide reference 2nd read above.

2. The Director General, Anti Corruption Bureau vide reference 3rd read above, in their final report has recommended to Government to accord sanction to prosecute AO-1 along AO-2 (private person), in court of law for corruption charges, besides initiation of departmental action for violation of conduct rules for not submitting APRs against AO-1. Government after following due procedure have accepted the recommendations of the Director General, Anti Corruption Bureau and accorded sanction to prosecute AO-1, vide G.O. 4th read above.

3. Government vide reference 5th read above, while enclosing the draft article of charges furnished by Director General, Anti Corruption Bureau have requested the Deputy Inspector General, Registration & Stamps, Kurnool to initiate departmental action under Rule 20 of Andhra Pradesh Civil Service (Classification, Control & Appeal) Rules, 1991 and to submit his provisional decision to Government for taking the advice of Andhra Pradesh Vigilance Commission to conclude the disciplinary proceedings.

(P.T.O)

4. And whereas, the Deputy Inspector General, Registration & Stamps, Kurnool & the disciplinary authority has initiated departmental action against Sri B.Venkata Naidu, former Sub Registrar, Adoni, (AO-1), and after following due procedure and obtaining the advice of competent authorities under vigilance scheme has imposed the punishment of withholding of one annual grade increment with cumulative effect against him vide reference 8th read above. Further, on the appeal filed against the above punishment, the Director & Inspector General, Registration & Stamps has submitted proposal to the Government, to modify the punishment imposed by the disciplinary authority, i.e., Stoppage of one annual grade increment with cumulative effect (major) to that of without cumulative effect. Government after obtaining the advice of the competent authorities under AP Vigilance scheme, have accepted the proposal of the Director & Inspector General, Registration & Stamps and appellate authority and requested the Director & Inspector General, Registration & Stamps, to take action accordingly vide reference 9th read above. Accordingly, the Deputy Inspector General (Registration & Stamps), Kurnool have modified the punishment of stoppage of one annual grade increment with cumulative effect (major) to that of withholding of one annual grade increment without cumulative effect vide reference 10th read above.

5. And whereas, with regard to the criminal case on corruption charges, the Director General, Anti Corruption Bureau vide reference 6th read above has informed that the Anti Corruption Bureau court, Kurnool on 02-01-2015 have passed judgment in CC No.87/2013 filed against Sri B.Venkata Naidu, former Sub Registrar, Adoni, (AO-1) and acquitted the AO-1 from the charge and the Director General, Anti Corruption Bureau has requested the Government to accord permission to the Standing Counsel of the Bureau to file an appeal in the High Court of A.P., against the orders of Special Judge Court for trial of Anti Corruption Bureau Cases, Kurnool. Government after examination of the matter have accorded permission to the Director General, Anti Corruption Bureau to file criminal appeal against the trail Court Judgement vide reference 7th read above and the same is pending.

6. Sri B.Venkata Naidu, former Sub Registrar, Adoni, (AO-1) (Retired) in his representation vide reference 11th read above has represented for regularization of suspension period from 19.06.2010 to 31.01.2013. He further represented that since the case was not proved and acquitted from the provisions of the P.C.Act, he is eligible for the normal pay and allowances.

7. Government, after examining the matter and after obtaining the advice of the Law and Finance Departments, have rejected the request of Accused Officer-I Sri B.Venkata Naidu (A.O-1), former Sub Registrar, Adoni, Kurnool District (Retired) that to regularize the suspension period as the suspension cannot be regarded as unjustified vide reference 12th read above.

8. Sri B.Venkata Naidu (A.O-1) filed W.P. No.5093 of 2021 in the Hon'ble High Court for rejecting the request of the A.O. for regularization of suspension period vide Memo dated:15.02.2019. Hon'ble High Court in W.P. No.5093 of 2021 is pleased to pass orders on 20.03.2021 as follows:

> " ..... *Before an order treating the period of suspension is passed affecting the employee financially it must be passed after objective consideration and assessment of all relevant facts and after giving him full opportunity to make out his case (vide: B.D. Gupta v/s State of Haryana) in view of the judgment of the Apex Court (referred supra), the memo impugned in the writ petition is illegal, arbitrary as the same was passed without giving an opportunity to the petitioner and failure to consider the representation strictly in accordance with F.R.54-B is a seriously illegality. Hence, the respondents are directed to consider the representation of the petitioner strictly in terms of judgment of the Apex Court in B.D. Gupta v/s State of Haryana (referred supra) and pass appropriate order in accordance with law, only after giving him an opportunity of hearing to make out his case".*

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